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SHORT REMARKS

Upon the Late

Act of Resumption

OF THE

Irish Forfeitures,

AND

Upon the Manner of Putting that Act in Execution.

LONDON,
Printed in the Year 1701.

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BRITAN
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Short REMARKS *upon the late Act of Reſumption of the* Iriſh *Forfeitures, and upon the manner of putting that Act in Execution.*

1. EVERY the leaſt Trade or Body of men in the Kingdom, when they find themſelves aggriev'd by a Law, are allowed the liberty of plainly repreſenting their Grievance, and petitioning for redreſs by the repeal of that Law. I hope it will not be accounted a Crime, nor an unbecoming aſſurance, in one who is a Sufferer by the late Bill for Reſumption of *Iriſh* Forfeitures, to lay before the Honourable Houſe of Commons a few ſhort Remarks upon that Bill, and the manner of the Execution of it, whereby himſelf and many other of his Majeſty's Proteſtant Subjects, whoſe Veins hold no other Blood than what is *Engliſh*, have ſuffered to a very great degree, in hopes that the Houſe may think that matter worthy of a review and ſecond Conſideration.

2. I am firmly perſwaded, that if the truth of the ſtate of the *Iriſh* Grants, or any thing near it, had been honeſtly repreſented to the Houſe of Commons, whatever Schemes of Affairs ſome particular enterprizing Gentlemen might have projected and framed to themſelves, it would have been impoſſible to have gain'd a Majority of that Houſe to have paſſed the Bill, at leaſt not in the manner it is now framed.

3. As to the Bill now depending in the Houſe for the Reſumption of *Engliſh* Grants, altho probably there is not one of the Grantees, who is not repreſented by a Member, in whoſe Election his Grant gave him a Right of voting; and altho the Matter being tranſacted here, it may reaſonably be preſumed that many Members of both Houſes are throughly acquainted with the Grants themſelves, and the Conſiderations for making them; the printed Votes tell us every day, that as many Petitions as are offered againſt the Bill, are eaſily received, and referred to the Committee to whom the Bill is committed: But unhappy *Ireland* is to be bound by a Law made by perſons never choſen to repreſent her,

Perſons who cannot be preſumed to be truly acquainted, of their own knowledg, with her preſent Circumſtances, Intereſts or Affairs, and this too without giving her any opportunity of being heard for her ſelf. It is not the intent of this Paper to enter into the queſtion of the Right (which ſome however think of conſiderable weight and conſequence in the matter) but to conſider how a thing ſo unuſual and extraordinary did prevail.

4. I do not preſume by any means to arraign or cenſure the Proceedings of a Parliament; it is no reflection upon them to do things which carry a fair appearance of advantage to the Publick, as they are repreſented to them, tho Deceits may be put upon them: And it's a ſufficient reconciling of their Proceedings to the Rules of Juſtice and Equity, that they uſed all the caution that was neceſſary to obtain a true information of the ſtate of the Caſe; that they ſent over Commiſſioners, fortified with very large Power, to make Enquiries, and to report the matter to the Houſe. It could not be preſumed (and therefore a Suggeſtion of that kind would have been ridiculed) that Perſons ſo imployed would dare to make a Report to ſuch an Aſſembly without due examination, and much leſs to affirm Facts contrary to plain Informations received; and it is no wonder, as the Report ſtated matters to them, that it ſhould move their Indignation to the higheſt degree. I ſhall not offer to diſpute the reaſonableneſs of any one ſtep taken by either Houſe in the Affair; I have learned to make my Underſtanding ſubmit to whatever the Parliament judg to be reaſonable and fitting to be done: But if many innocent Families muſt unavoidably be ruined by the Bill grounded upon that Report; and if that Information ſhall evidently appear to be groſly falſe in it ſelf in many, nay moſt particulars, and that thoſe Miſtakes were not due to want of Opportunities of being truly informed, but to a reſolution to repreſent things quite otherwiſe than the Truth was; perhaps the Houſe may think it ſelf concern'd in Honour to expreſs ſome Reſentments, or a diſlike at leaſt, of ſuch an abuſe of the Confidence repoſed by them in their Commiſſioners, which produced a Bill ſo ſevere, to ſay nothing more of it.

5. The moſt avowed Enemies of that unfortunate Kingdom, tho witty Gentlemen (who altho they deſpiſe it, and all that belong to it, yet at the ſame time, contrary to the nature of Contempt, make it the very mark of their Envy) muſt allow that the dull Proteſtants of *Ireland* were great Sufferers upon the account of their Religion and firm adherence to the Intereſt of *England*; that ſuch of them as were forced to fly for want of Arms, or of a Force capable of making a ſtand, were as forward to

return

return and venture their Lives for the asserting the *English* Laws and Liberties as any Subjects whatever; and that such of them as could get into a Body, and possess themselves of Places of any Strength, did defend those Places to the wonder of Mankind. And it cannot be denied, that by that Defence, and the stand that they made there, the Ravages and Calamities that attend a War were kept in that poor Country, of which War (without that Opposition) *England* in all probability had been the Seat.

6. These things could not soon slip out of Memory, or be forgotten; nor could the Interest that some of those Sufferers, and the Protestants of *Ireland* had in those Grants in general be unknown; and therefore the Gentlemen who projected the creating of beneficial Offices to themselves, at the expence of a poor Kingdom, were put to make use of all their skill to work up the minds of People into such a ferment, as might master and over-power every thought of Tenderness and Compassion: And it's pretty well known what Courses they took to do it; But time will quiet Passions, and discover Truth. Two of the three reporting Commissioners are soon to appear before the House. I think it may not be improper to give some hints of Enquiries, which the Members, if they please, may make, in order to their having some certain measure of what they are to depend upon from the Act (for, as has been very well observed, the late Report skilfully avoids every thing of this kind) and that the poor Soldiers, the Persons concerned in the Transport Debt, *&c.* after a tedious waiting may not find themselves deceived by such a Fund, as to make selling their Debentures at fifty *per Cent.* the most eligible part.

7. I will for the present admit that the general Distaste which this Bill has given to the Body of the Kingdom of *Ireland*, is not a false step in Policy at this time: I will suppose too, that the apprehensions which many there have taken up, that it looks like a very breach of their Constitution, is perfectly groundless, and of no consequence (without doubt the Gentleman, who said in discourse, that it were better the Bill should be lost, than the express Repeal of an Act of their Parliament should be omitted, as he seemed perfectly master of the Conduct of the whole Bill, has some very extraordinary Reasons for his saying so) yet I am fully perswaded if *England* had been made sensible, that the Act would be a certain Ruin to so many *English* Protestant Families; that besides the Resumption it self, (which would lie heavy enough upon many of the Subjects of that Kingdom) the Charges of making and attending their Claims would be such, as that Kingdom is not able to bear; and that the effect of this would be only the creating Offices of advantage to some particular Gentle-

Gentlemen, with a very little return in eaſe of the *Engliſh* Debts; I am perſwaded that an *Engliſh* Parliament would have ſcorned to take this courſe in eaſing her ſelf in an inconſiderable Sum, by laying ſuch an overload upon her Slave and Drudg; much leſs would it have committed into the hands of ſome Gentlemen ſuch unlimited Powers over a Kingdom, as are without any Precedent in *Engliſh* Law or Hiſtory: and perhaps their Juſtice and Compaſſion may incline them yet to find out ſome means of removing the Load, and relieving the poor Sufferers.

8. Inſtead of this, it's reported abroad, that the Gentlemen imployed are not content with their preſent Power, nor think themſelves yet Arbitrary enough, but ſollicit an enlargement of their Authorities, as well as of their Time, and conſequently of their very good Salaries. Whether that, or the finding ſome way of delivering a miſerable People of ſuch Maſters, be the more reaſonable, a ſatisfactory Anſwer to ſome few Queſtions may perhaps in ſome meaſure determine.

9. The firſt Report is before the Houſe: it was that which raiſed the expectation of the Parliament ſo high, that they thought reaſonable to vary from their general Courſe of Proceeding, and to do things not common, by which ſeveral Members expreſſed themſelves ſenſible that ſome Hardſhips would unavoidably fall upon particular Perſons, but the general Good over-ruled ſuch Conſiderations; and they choſe rather to ſtrain a little, than not come at ſuch a Mine as was promiſed them towards eaſing a Burden which lay very heavy on *England*. Two of the three who ſubſcribed the firſt Report (as is ſaid before) are ſoon to attend the Houſe, particularly Mr. *Anſley*, who after having delivered that Report at the Bar of the Houſe, undertook to juſtify and anſwer all Objections that ſhould be made againſt it; for the truth of which I am confident I may appeal to the memory of ſeveral Members who heard him, altho perhaps he might have reaſon to be aſſured he did not run any great hazard of being at that time called upon to make good what he ſo ſtrongly promiſed. I think it may be immediately expected, after a full years further attendance upon that Enquiry, he ſhould be able to give a full, plain, and direct Anſwer how far that Revenue may be depended upon as a Fund for what is charged upon it (which are Debts of Honour and of great Compaſſion) and whether the Produce of it will be an equivalent for the ſetting a Precedent of inveſting a few Gentlemen, not all of them perfectly ſkilled in the Laws or of viſible Fortunes, with ſo arbitrary a Power of judging and determining the Property of a whole Kingdom, that the Wiſdom of the Laws of *England* has not thought it ſafe to intruſt the King, the Houſe of Peers, and all the Courts of Juſtice in this Land with any thing like it.

10. The

10. The Estate commonly called the private Estate (those Lands which were vested in the Duke of *York* before his Accession to the Throne, and afterwards granted to the Lady *Orkney*) I take to be out of the compass of this Enquiry: there was no need of furnishing out Commissioners at such an Expence, and such large Powers, relating to that.

There were very few Claims to be heard; the Commissioners, as I have been well assured, had an Entry a large delivered to them, a perfect Rent-Roll of the Estate; the Gentlemen concerned in the Management of it put that matter into such order for them, that Mr. *Hooper* (now a Commissioner, and their then Secretary) said at the Board, that had the like Methods been observed in all Returns, three Months would have been sufficient to have compleated their business. So that a very small expence of Time and Pains might ascertain the true state of those Lands, as may be very easily judged, as well from what is abovesaid, as from that very nice * Account given of this Estate by a late Ingenious Author. If therefore there has been any considerable waste of Time and Expence in that matter, it has had some other end in it, than barely to be informed of the truth of that Revenue. I hear the Commissioners report those Lands to be of a very extravagant Value; at present I'll not concern my self further about them, than to caution people against being deceived by the same Methods a second time, and to say that those Lands may be disposed of without the yearly expence of forty thousand Pounds in Salaries, and other Charges to effect it.

* *Jus Regium.*

11. But it may be proper to have the House truly informed what has been made of things properly called Forfeitures, in a years time. There can have bin but little need of their Judicial Power of hearing and determining Claims to personal Estates; and therefore it's to be presumed that all those matters are over, and that they are able to give a perfect Account of them.

It may then be reasonably demanded,

1*st*, What the Value of those are? How much received, and what proportion those Receipts bear to the first Report? and in general how far the first Report will be verified, in what particulars it will fall short, and how much?

2*dly*, Whether they have made any Inventory of those personal Goods and Chattels that are vested in them, to whom they have sold them, and for how much?

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The neglect or) delay of doing this, is an abuse of the Favour intended by the Parliament to the Purchasers of Forfeited Interests, as to the third part of their Purchase-Mony, forasmuch as they are to receive part of the twenty one thousand Pounds allotted to them out of the Produce of the personal Estates.

It may be demanded of them in general,

3*ly*, What Cash remains now in the hands of their Receivers, or Cashiers in *Dublin*, above the Charge of their Salaries and Management; and whether in their Accounts Credit is given by what is made by the Fees in several Offices? (It is conceived this ought to be done, in regard the whole Expence is defrayed out of the Produce of the Forfeitures; and therefore it's reasonable that the Fees should be esteemed so much neat Money, and ought to be accounted for as such.

And it is to be hoped the House will require their laying before them their Table of Fees, which (however moderate it may appear) is an excessive Charge to the Kingdom; for by the Act the Claimant is obliged in his Claim to set forth his Title, and by what Deeds he derives it: So that where the thing is of inconsiderable Value (which generally happens in cases of such as are least able to bear it) the Charge of Attendance and paying the Court exceeds the Value of the Interest claimed. The usual Expence in the Offices for an ordinary Claim is about ten Pounds, of greater Claims abundantly more.

4*ly*, Have they proceeded to sell such part of the Forfeited Lands, as have not been claimed, or such as have been claimed, and discussed? If so, to what Value do the Lands sold amount? If not, what is their reason for delaying the execution of that part of the Act?

5*ly*, Whether they have given Certificates to intitle the Purchasers to their respective Shares of the twenty one thousand Pounds? If they have given such Certificates, when did they give the same, and whether such Certificates have not been demanded, and refused by them? If so, upon what account was such Refusal? Whether by such Refusal the Purchasers have not been hindred from receiving *All Saints* Rent, and will not also lose the Rents becoming due this *May*? Have they allowed them Interest for their Shares of the twenty one thousand Pounds? Have they not been delayed of the advantage the Act intended them of demanding the Remainder of the Mony from those of whom they purchased, for want of such Certificates? What was the number of those Purchasers, and what was the Expence of prosecuting

ſecuting each Claim, in order to intitle ſuch Purchaſers to their Share of the twenty one thouſand Pounds.

12. This Right muſt be done to the Truſtees, That they have endeavoured in moſt Caſes to make the utmoſt of their Truſt; but whether by ſuch Methods and Courſes as the Honour of an *Engliſh* Parliament would endure, if they were acquainted with them, may be known by Anſwers to the following particulars.

1*ſt*. The Act requires ſuch as are in Poſſeſſion of forfeited Lands to return a true Particular of the Value, under a great Penalty: Whether they have expected ſuch a Particular, according to the Value that a Tenant might reaſonably give for the Land to be ſet out to Farm, or whether according to the Rates which the loweſt under-Tenants, and ſmall Cotters (who work out all that which is called their Rent, and much more with their Landlords) do agree to pay to the Tenant, and what all ſuch under-Rent caſt up together amount to?

This is the kind of Enquiry which has been made in the private Eſtate, to make its Value appear conſiderable.

2*ly*. Whether they have not contracted with Tenants for Leaſes for one Year, and what the Returns of ſuch Contracts were? Whether they have not frequently ſet the ſame Lands afterwards to other Tenants, notwithſtanding the former Agreements, for a little more than the firſt Tenant contracted for? And whether they have not diſpoſſeſs'd the firſt Tenant, and compelled him, and by what means, to advance his Rent, or quit the Poſſeſſion?

3*ly*. Whether they have not order'd their Collectors, Managers, and Receivers, to demand more Rent than the Tenants contracted for, and not to allow what the Tenant paid for Quit-Rents, or the Land-Tax; and in default of payment, to diſtrain? Whether they have not directed their Receivers not to obey or regard any Replevins, if the Tenant ſhould ſue out ſuch, and require Sheriffs (particularly the Sheriff of the County of *Limerick*) not to iſſue or execute any Replevin againſt any Perſon diſtraining by their Order? Have they any Entries or Copies of the Orders given by them to their Collectors and Receivers? Theſe would be worth peruſal.

4*ly*. What is the Reaſon why Leſſees, who are not liable to pay Quit-Rent, or any more than a Moiety of the Land-Tax, have been obliged to pay their whole Rent, without allowance given for Quit-Rent, or for the Landlord's part of the Land-Tax paid by them, only being promiſed an Allowance for the Money in ſome future half Years Rent? If the intent

of this proceeding ſhould be to make the Rent-Roll as conſiderable as poſſible, that were a deceitful Repreſentation to continue the Houſe under the ſame miſtake, into which the former Report led them, which the Houſe will hardly endure. It's paſt all Diſpute, that the incurring Intereſt of allowed Incumbrances, and Arrears due for Quit Rent, and for the Land-Tax, mightily ſwell the Debt, and that they muſt be payed one time or other, unleſs the Land be ſold, and by that means, and by the Clauſe in the Act, the Quit-Rent, and Land-Tax be cut off: But this would be ſuch a piece of Injuſtice, as it is to be hoped will not be ſuffer'd.

13. As to the Hardſhips put upon the Claimants, and the Burden upon the whole Kingdom, the irregularity of their Proceedings, and the Liberty they take by their ſupreme Power of ſetting aſide formal ſettled regular Proceedings at Law; It may be worth inquiring,

1*ſt*. The Truſtees being by the Act impowered to ſend for Perſons as they ſhall think fit (which ſeems ſo great a Truſt and Authority, that it ought not to be put into other Hands) have they not committed that Power of ſummoning Perſons to any Clerk or Clerks, and to whom? Have not ſeveral Perſons been ſummoned from remote parts of the Kingdom, and after long attendance at *Dublin*, been diſmiſſed without being examined? Have not blank Summons been ſent into the Country, and filled up there? Have not Claimants attended with their Witneſſes at the times their Claims were poſted to be heard, and been put off from day to day, yet obliged to attend at the peril of their Claims, being diſmiſſed for want of Proſecution? Have they not been ſo delay'd and put off upon Motion of the Truſtees Council, or of Mr. *White*, upon a bare Suggeſtion, that they ſhould have Evidence hereafter for the Truſt? Did the Truſtees in Caſes of this Nature, when the Claims had been regularly poſted, and the times for their coming on were well known to Mr. *White*, require any Oath, or put them off upon bare Allegations, or ſhewing of Letters out of the Country? Was not this very expenſive to the Claimants? was any Allowance made to them for ſuch their Loſs and Expence?

2*ly*. Where a Proteſtant was in Poſſeſſion before the 13*th* of *February* 1688, or ſince that time, upon Mortgages, Judgments, Extents, or otherwiſe, of Lands belonging to forfeiting Perſons:

Whether the Truſtees have not diſpoſſeſs'd ſuch Proteſtants, and received the Profits, altho ſuch Proteſtants recover'd at Law (after the Forfeiture) againſt the King or his Grantee, whilſt they had the Eſtate of the

forfeiting

forfeiting Perſon in them, and were actually in Poſſeſſion when the Act paſt?

3*ly*. When ſuch Proteſtant Incumbrances have been allowed upon the Claims of ſuch Proteſtants, whether they have again been put into Poſſeſſion, or been paid any part of the Intereſt of their Incumbrances by the Truſtees?

The Act veſting the Lands in the Truſtees, according to the ſeveral Intereſts of the forfeiting Perſons, with a Saving to the Rights of others, whether they do carry the equal and indifferent hand which Perſons intruſted as Judges ought, if they do firſt by their Power firſt diſpoſſeſs him who had a lawful Title to the Poſſeſſion, becauſe the Act veſts the Lands in them, but afterwards, tho the Claimant's Title be allowed, will not reſtore him to his Poſſeſſion, or allow him Intereſt for his Money?

14. The property of the Subjects of *Ireland*, tho not much valued and regarded by ſome People, is to them as dear as theirs is to the happier Men whoſe Lot is fallen to them in *England*, and they wiſh for nothing more than to be ſubject to the ſame Laws as *Engliſh men*. *Ireland* has been famous to a Proverb, for producing Witneſſes ready to aſſert any thing that may give them a proſpect of yielding Advantage: Such Witneſſes, and the Credit they deſerve, are pretty well known to their Neighbourhood, the Inhabitants of that Country, who have been long under the afflicting Neceſſity of converſing with them: But they are not ſo unskilful in their Trade, as not to be able to frame Stories ſo conſiſtent, that Strangers to them and their Behaviour (of which kind of Perſons the Truſt is for the greateſt part compoſed) may eaſily be impoſed upon by them. I mention not this out of a deſire that more Truſtees of that Kingdom ſhould be appointed. That Nation has had too ſad Experiences of the Candour and good Will of ſome of her Natives already, to make that her wiſh But ſince the matters ſubject to their Enquiry and Determination are of ſo great Value, and Property is ſo highly concerned, whether it might not have been reaſonable to have kept up to the old Law of *England*, of enquiring by Jury in ſome of the moſt difficult and conſiderable Caſes, if not in all, might ſurely be worthy of Conſideration, eſpecially if what I hear ſome of the Truſtees pretend unto, and aim at be true.

In a Place that never had a Privilege of holding Parliaments of its own confirm'd to it, let it be never ſo intirely ſubjected to the Crown of *England* by an abſolute Conqueſt, or otherwiſe; yet if the Benefit of

Engliſh Laws were once granted to it, I cannot believe that a Parliament of *England* would think it reaſonable to ſubject the Eſtates and Properties of Perſons living there, not guilty of any Crime, nor under any Accuſation, to the arbitrary will and diſpoſal of any number of Men: yet according to the interpretation ſome of theſe Gentlemen put upon their own Authority, and which, as it is reported, they are indeavouring to get explain'd and eſtabliſhed by new Clauſes, this ſeems to be the Caſe of *Ireland*.

15. The words of the Act do veſt the Eſtates of forfeiting Perſons in the Truſtees, and impower them to diſpoſe of thoſe Eſtates. *A.* who is a forfeiting Perſon, has Lands called *D.* adjoining to the Eſtate of *B.* A forfeiting Perſon called *S. A.* is in poſſeſſion of a piece of Land as parcel of his Eſtate, but *B.* laid Claim to it as a parcel of *S.* The Truſtees in this Caſe are warranted by the Act to adjudg that *B*'s Eſtate called *S.* is veſted in them; but if they may go farther, and determine that that particular parcel of Land, of which *A.* was in poſſeſſion, is parcel of that of *S.* (the Eſtate veſted in them) and thereupon ſhall diſpoſſeſs *A.* (ſuch Opinions and Caſes there have been) and this Proceeding ſhould be eſtabliſh'd, what Man in *Ireland* can be ſafe? Or what Eſtate is there in that Kingdom that is not ſubject to their Pleaſure, and arbitrary Determination, without Jury, or other legal Proceedings whatſoever, or any Appeal of Redreſs?

16. Might it not be of dangerous Conſequence to allow a Power to Perſons (ſome of whom have ſhew'd themſelves not very well vers'd in legal Proceedings) to ravel into the Acts of Courts of Juſtice, and unſettle legal Determinations, taking upon themſelves a Juriſdiction to determine between Party and Party, which of them has a Right to the thing claimed, and by that Determination in effect reverſing a former Decree, or other legal Proceeding? For Example; A Debt claim'd upon a forfeited Eſtate by two ſeveral Claimants, both of them fully, and to ſatisfaction, make the Debt appear to be due; ſo that the Truſtees are by the Act required to decree that it is a juſt Debt: but what are the words of the Act, or was it ever the intent of the Parliament to take from the proper Courts, and the ordinary Courſe of Law, the Power of deciding to which of the conteſting Parties the Debt belongs, and to make the Truſtees the Judges and Determiners of that which in no ſort encreaſes or diminiſhes the Sum to be raiſed? Yet ſuch Caſes there are where the Truſtees have exerted their Power, and taken upon themſelves to adjudg (and that too contrary to former legal Determinations in proper Courts) to which of the Parties the Debt of Right belongs, and have

refuſed

refuſed to form their Decree in ſuch terms as might have allowed the Debt, and ſaved the Right (whatever it was) of each Party.

17. A few Inſtances of this kind may ſhew how dangerous a thing the giving of a Power, which ſeems unlimited, may prove, and what the Conſequences of their obtaining a general Confirmation of their Proceedings would be, which it ſeems they are endeavouring to procure.

18. The Truſtees by the Act have a Power to adjuſt Accounts on Penalties. A Proteſtant Incumbrancer is in poſſeſſion by virtue of his Incumbrance (for example Tenants by *Elegit* or Statute) the Land is granted by the King in Fee, and the Grantee ſells it: The Purchaſer (whoſe Buſineſs and Intereſt it then was to be as ſtrict in exacting an account as poſſible) accounts with the Tenant by *Elegit*, &c. and after the beſt information he can get, ſettles the Land, as if it were worth two Shillings *per* Acre during the Extent, and pays the Ballance of the Account ſettled: having now loſt two thirds of his Purchaſe Mony at leaſt in effect, claims the Remainder of the Debt which he paid to the Creditor, and has not received out of the Profits of the Land. The Maſter to whom the Account is referred, charges the Land as worth (by a Value new ſet upon it) four Shillings *per* Acre, ſo as the Debt is not only paid, but a great ballance on the other ſide. Were it not a ſtrange way of accounting in this caſe, to charge him that payed off the Debt for clearing his Purchaſe, with more Profits made of the Land than he could get allowed in his accounting with the Creditors, tho he uſed his utmoſt endeavors, and good Husbandry, as it was his Intereſt, all that he could get allowed being for what appeared then ſo much ſaved in his Pocket; ſo that he may be concluded to have done his beſt?

19. Have not the Truſtees obliged all perſons who had Mony ſecured to them by Judgment, Statute or Mortgage, ſince *May* 86. to prove the actual Payment and Loan of the Money, and adjudged all Securities on voluntary Conveyances within the intent of the Act, where there has not been actual proof of the Payment of the Money? And have not ſeveral Perſons loſt their Debts upon that account, tho there was no ground of ſuſpicion or pretence of Fraud in acknowledging ſuch Statute or Judgment; but for want of Witneſſes directly proving the payment of their Mony, have had their Claims diſmiſſed?

20. Have not the Truſtees protected all Perſons from Arreſts, who either are ſummoned as Witneſſes, or pretend to be able to do ſervice by making out a Title to Lands in the Truſtees?

Have not ſeveral Debtors been thus protected, who never did or could do ſuch Service? Does not Mr. *Abraham White* their Clerk give

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ſuch Summons as oft as asked, and enter any man's Name as a Diſcoverer who calls himſelf ſo? That Entry makes his Perſon ſacred, till Application is made to the Truſtees, who it's true of late have been leſs fond of protecting ſuch Perſons than formerly: But the Expence of moving the Truſtees, and procuring a Report of the matter is ſo great, that few complain of the Hardſhips of that kind which they lie under.

21. Upon the whole matter, if the Parliament ſhall upon examination find the Reſumption it ſelf, in the manner it now ſtands, a great Blow to the Proteſtant Intereſt in *Ireland*, and a leſſening the *Engliſh* Intereſt there; if it be made evident to them that the Expences of attending by Claimants and Perſons ſummoned to *Dublin*, by the Power of the Truſtees, will amount to a greater Charge upon that impoveriſh'd Kingdom, than the whole Enquiry will return neat to *England*; if they ſhall find that the Powers given the Truſtees, either really in themſelves or as they are put in practice, do put a ſtop at preſent to the common Courſe of Juſtice in that Kingdom, ravel into and unſettle legal Determinations as far beyond the common ſenſe of the words of the Act, as the Powers themſelves do exceed all that were ever yet granted; and if after all this the continuance of this Act, and of the Execution of it, will prove at laſt only an enriching of ſome particular Perſons out of the Spoil of a poor haraſſed Kingdom, and giving to a few Opportunities of venting their private Piques and Animoſities, without turning to any conſiderable advantage to *England*: It is humbly offered to the conſideration of the Parliament whether *England* will not think it worth its while to fall in with ſome more tolerable Expedient of gaining out of thoſe Eſtates ſo much as they may bear, without the ruining many innocent Families who have been faithful to its Intereſts, and not inſiſt upon the exerting of ſuch an extraordinary Power, ſo unprecedented in its Frame, and fatal in its Conſequences?

22. The Writer of this Paper would not by any of his Expreſſions be apprehended to charge all the Truſtees with the Hardſhips and Severities of which *Ireland* complains. He believes there are among them ſome very honeſt Gentlemen who bear no particular grudg, in whoſe Compoſition Malice has no ſhare, who are not ſo far engaged in point of Reputation to maintain the firſt Report, or linked with thoſe who are, ſo as to break through Rules of Juſtice to do it: He wiſhes there were a few more of the ſame kind. The different Carriage of thoſe Gentlemen upon the Bench, and their Candour in hearing fairly without asking captious Queſtions, making ſuch Enquiries as ſhew that they ſearch after Truth, and are willing to hear the whole, as well what makes againſt them as for them, does diſtinguiſh their Behaviour, and ſhew that they intend to

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put the Truſt repoſed in them honeſtly in execution, and (as ſome People have expreſſed it) *to make no more hard Caſes than are made to their hands.* But the Skill of the reſolved Gentlemen is ſuch, that there can be no publick diſtinction made; their Debates and Votes, like thoſe of the Inquiſition, are private among themſelves, and the Sentence of the Majority there is pronounced generally upon the Bench by one of them as the Opinion of the whole Number. I blame not the Proceeding, but mention the Courſe as an excuſe for charging the Truſtees in general with things which I am ſatisfied ſome of them do abhor, and cannot ſubmit to without indignation.

Thus I have endeavoured with Candour and Juſtice to lay things as they really are before the Great and Wiſe Legiſlators of this Nation, to whoſe Determination I do with all Humility ſubmit the ſame.

FINIS.

FINIS.